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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
WHIPPLE, BRIAN P				
ART UNIT		PAPER NUMBER		
2452				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/654,418

Applicant(s)

YAMAGUCHI ET AL.

Examiner

BRIAN P. WHIPPLE

Art Unit

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SE/IB)
Paper No(s)/Mail Date 3/13/08, 5/29/08, and 10/28/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-11 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments, see page 7, filed 9/8/08, with respect to the 35 U.S.C. 112 rejections of claims 1-9 and the 35 U.S.C. 101 rejection of claim 9, have been fully considered and are persuasive. The 35 U.S.C. 112 rejections of claims 1-9 and the 35 U.S.C. 101 rejection of claim 9 have been withdrawn.
3. Applicant's arguments, see pages 8-9, filed 9/8/08, with respect to the 35 U.S.C. 102 rejection of claim 1, have been fully considered but they are not persuasive.
4. As to claim 1, Applicant argues "Blewett, on the other hand, does not automatically establish a second connection to the detected network. Blewett uses particular rules that routes a particular packet to a particular destination, based on the destination IP address contained in the packet. Thus, Blewett is deficient with regard to providing any teaching or suggesting of a means for automatically establishing a second connection to the detected network, as claimed." The Examiner respectfully disagrees.

Blewett discloses a security gateway connected to a trusted network (Fig. 1A; Col. 6, ln. 62-66; Col. 10, ln. 14-22). Therefore, the security gateway itself utilizes a first connection to a trusted network (e.g., worknet). Blewett further discloses an attempt to create a second connection by an entity outside of the trusted network (e.g., a packet traveling from a protected resource network to worknet) will be monitored by the security gateway and allowed or disallowed based on routing rules (Col. 11, ln. 18-32, "rule set assures that only packets from the protected resource network are accepted from the tunnel, and that only packets bound for worknet are accepted from the tunnel").

The Examiner fails to see how a connection created by a security gateway based on routing rules is not automatic. A decision by a machine is automatic, even if previously configured by a user. In fact, the Examiner believes all situations where an automatic step is performed must be based on some prior configuration, as to not do so would imply the machine or method was created absent any human intervention at any point in time. Furthermore, Blewett itself indicates translation and routing as being automatic (Col. 8, ln. 52-55, "automatically translates the destination address and routes the packet to the proper host in the worknet"). Additionally, it is extremely well known in the prior art that network gateways automatically forward packets as opposed to requiring manual intervention by a user in order to achieve network communication.

In summary, in the examples laid out by the Examiner, the first connection is between the security gateway and the trusted network, the second connection is between the protected resource network and the trusted network, and the security gateway automatically configures the second connection based on routing rules.

5. As to claims 2-11, the Applicant argues the claims are allowable for reasons similar to claim 1 above. However, the Examiner has refuted the allowability of claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 5-6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Blewett et al. (Blewett), U.S. Patent No. 7,131,141 B1.

8. As to claim 1, Blewett discloses an information processing apparatus having an interface for connection with networks (Abstract), the information processing apparatus comprising:

managing means for managing settings for connectable networks as profiles on a network by network basis (Fig. 1A; Fig. 1C; Col. 6, ln. 62-66);

detecting means for detecting a first connection to a detected network (Fig. 1A; Col. 6, ln. 62-66; Col. 10, ln. 14-22; Col. 11, ln. 18-29);

determination means for determining whether the managing means manages a managed profile corresponding to the detected network when the detecting means has detected the first connection to the detected network (Col. 11, ln. 18-29; the network is managed if it is detected to be a member of the VPN, else is not managed if it from the untrusted network);

establishing means for automatically establishing a second connection to the detected network based on the managed profile if the determination means determines that the managing means manages the managed profile corresponding to the detected network (Col. 8, ln. 52-55, “automatically translates the destination address and routes the packet to the proper host in the worknet”; Col. 11, ln. 18-32, “rule set assures that only packets from the protected resource network are accepted from the tunnel, and that only packets bound for worknet are accepted from the tunnel”; Col. 11, ln. 53 – Col. 12, ln. 18).

9. As to claim 3, Blewett discloses the detecting means detects, as the first connection, a connection to a detected gateway that manages a network (Col. 10, ln. 14-22),

wherein the determination means determines whether the managing means manages a profile relating to the detected gateway (Col. 10, ln. 14-22; Col. 11, ln. 18-29 and 53-55), and

wherein the establishing means establishes the second connection to the detected gateway in accordance with the managed profile relating to the detected gateway (Col. 11, ln. 53 – Col. 12, ln. 18).

10. As to claim 5, Blewett discloses using an IP address, the determination means determines whether the managing means manages the managed profile, relating to the detected network detected by the detecting means (Col. 11, ln. 18-29 and 53-55).

11. As to claim 6, Blewett discloses if the interface of the detected network is one of a wired LAN interface and a wireless LAN interface, the first connection is a connection to a gateway that manages the detected network, and the second connection is a connection to another apparatus through the gateway (Fig. 1A; Col. 3, ln. 25-38), and

wherein if the interface of the detected network is a modem, the first connection is a connection to an ISP, and the second connection is a connection to another apparatus through the ISP (Col. 3, ln. 17-21 and 38-42).

12. As to claims 8-9 and 11, the claims are rejected for the same reasons as claim 1 above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett as applied to claim 1 above, in view of Ogle et al. (Ogle), U.S. Patent No. 6,052,736.

15. As to claim 2, Blewett discloses the invention substantially as in parent claim 1, wherein the detecting means detects the first connection to the detected network (Col. 11, ln. 18-29), but is silent on the detecting step occurring by determining whether or not a routing table is modified.

However, Ogle discloses the detecting step occurring by determining whether or not a routing table is modified (Col. 6, ln. 11-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett by determining whether or not a routing table is modified as taught by Ogle in order to reduce the overhead associated with creating and maintaining a routing table (Ogle: Col. 5, ln. 37-50).

16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett as applied to claim 1 above, in view of Beck, U.S. Patent No. 6,671,273 B1.

17. As to claim 4, Blewett discloses the invention substantially as in parent claim 1, wherein the detecting means detects the first connection to the detected network (Col. 11, ln. 18-29), and determining whether the managing means manages the profile relating to the detected network detected by the detecting means (Col. 11, ln. 18-29).

Blewett is silent on counter means for counting up by one when the detecting means detects the first connection to the detected network, and

zero determination means that determines whether a subtracting of one from the count of the counter means makes zero when the detecting means detects the first connection to the detected network,

wherein the zero determination means determines whether the managing means manages the managed profile relating to the detected network detected by the detecting means when the zero determination means determines that subtracting of one from the counter of the counter means makes zero,

wherein the establishing means establishes the second connection to the detected network in accordance with the managed profile relating to the detected network while the zero determination means determines that the subtracting of one from the count of the counter means makes zero.

However, Beck discloses counter means for counting up by one when the detecting means detects the first connection to the detected network (Fig. 4; Col. 5, ln. 27-30 and 43-48), and

zero determination means that determines whether a subtracting of one from the count of the counter means makes zero when the detecting means detects the first connection to the detected network (Col. 6, ln. 52-61),

wherein the zero determination means determines whether the managing means manages the managed profile relating to the detected network detected by the detecting means when the zero determination means determines that subtracting of one from the counter of the counter means makes zero (Col. 6, ln. 52-61),

wherein the establishing means establishes the second connection to the detected network in accordance with the managed profile relating to the detected network while the zero determination means determines that the subtracting of one from the count of the counter means makes zero (Col. 6, ln. 52-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett by examining a counter to determine if registration (i.e. management) of a connection needs to occur as taught by Beck in order to minimize the overhead operations associated with registering (i.e. managing) connections (Beck: Col. 2, ln. 46-52).

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett as applied to claim 1 above, in view of Winkler, U.S. Publication No. 2003/0070100 A1.

19. As to claim 7, Blewett discloses the invention substantially as in parent claim 1, wherein a second connection to the network is established by the establishing means (Col. 11, ln. 53 – Col. 12, ln. 18), but is silent on starter means which automatically starts a predetermined software application set by a user when the second connection to the network is established by the establishing means.

However, Winkler discloses starter means which automatically starts a predetermined software application set by a user when the second connection to the network is established by the establishing means ([0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett by automatically starting a predetermined software application set by a user when a connection to the network is established as taught by Winkler in order to authenticate a user and then launch the desired application for the user ([0008]; [0012]).

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett as applied to claim 3 above, in view of Koyanagi et al. (Koyanagi), U.S. Publication No. 2001/0013067 A1.

21. As to claim 10, Blewett discloses the invention substantially as in parent claim 3, wherein said detecting means detects, as said first connection, plural connections to plural gateways (Fig. 1A), and said establishing means automatically establishes said second connection to the gateway of the managed profile (Col. 8, ln. 52-55, "automatically translates the destination address and routes the packet to the proper host in the worknet"; Col. 11, ln. 18-32, "rule set assures that only packets from the protected resource network are accepted

from the tunnel, and that only packets bound for worknet are accepted from the tunnel";
Col. 11, ln. 53 – Col. 12, ln. 18).

Blewett is silent on establishing a connection to a gateway which has a lowest value of a metric.

However, Koyanagi discloses establishing a connection to a gateway which has a lowest value of a metric (Abstract; [0056]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett by establishing a connection to a gateway which has a lowest value of a metric as taught by Koyanagi in order select an appropriate network for data transmission based on either a lowest data transmission time or a lowest data transmission fee (Koyanagi: [0056]).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
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Examiner, Art Unit 2452
11/3/08

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